



Order Filed on August 21, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**DISTRICT OF NEW JERSEY
UNITED STATES BANKRUPTCY COURT**

Caption in Compliance with D.N.J. LBR 9004-1(b)

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servicer for Lakeview Loan Servicing, LLC

In Re:

TYREASE DOWNING

Debtor(s).

Case No.: 23-11438-jnp

Judge: Jerrold N. Poslusny, Jr.

Chapter: 13

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS

The relief set forth on the following pages, numbered two (2) and three (3) is hereby **ORDERED**.

DATED: August 21, 2024

A handwritten signature in black ink, appearing to read "Jerrold N. Poslusny, Jr.", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Applicant: Rushmore Servicing as servicer for Lakeview Loan Servicing, LLC
Applicant's Counsel: GROSS POLOWY LLC - Courtney R Shed, Esq. - 414442023
Debtor's Counsel: Moshe Rothenberg, Esq.
Property Involved ("Collateral"): 1829 Greenwillows Drive, Vineland, NJ 08361
Relief Sought: ☒ Motion for relief from the automatic stay
☐ Motion to Dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 4 months, from 05/01/2024 to 08/01/2024.
- ☒ The Debtor is overdue for 4 payments of \$1,701.99 per month, from 05/01/2024 to 08/01/2024.
- ☒ Applicant acknowledges suspense funds in the amount of \$1,063.30 received.

Total Arrearages Due \$5,744.66.

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Beginning on 09/01/2024, regular monthly mortgage payments shall continue to be made in the amount of \$1,701.99.
- ☒ Beginning on 09/15/2024, additionally monthly cure payments shall be made in the amount of \$957.46 for 1 month.
- ☒ Beginning on 10/15/2024, additionally monthly cure payments shall be made in the amount of \$957.44 for 5 months.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate Payment

☒ Regular Monthly Payment

Rushmore Servicing
PO Box 619094
Dallas, TX 75067

☒ Monthly Cure Payment

Rushmore Servicing
PO Box 619094
Dallas, TX 75067

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney's fees of \$200.00.

The Fees and costs are payable:

☒ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.